

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: August 31, 2010
Public Hearing: September 21, 2010

CONTACT PERSON/PHONE: Andrew Salloum, (915) 541-4633, salloumam@elpasotexas.gov

DISTRICT(S) AFFECTED: 4

SUBJECT:

An ordinance changing the zoning of Tract 8, Section 16, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to M-1 (Light Manufacturing), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: West of Dyer Street and North of Mesquite Flor Drive. Applicant: Jobe Materials, LP. ZON10-00045 (**District 4**)

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Reviewed
City Plan Commission (CPC) – Approval Recommendation (5-0)

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

Mathew S. McElroy
Deputy Director, Development Services – Planning Division

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF TRACT 8, SECTION 16, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO M-1 (LIGHT MANUFACTURING), AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of *Tract 8, Section 16, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas*, be changed from **R-F (Ranch and Farm)** to **M-1 (Light Manufacturing)**, within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

Further, that the property described above be subject to the following conditions which are necessitated by and attributable to the increased density of use generated by the change of zoning in order to protect the health, safety and welfare of the adjacent property owners and the residents of this City:

1. *That a one hundred fifty foot wide setback from abutting residential property be placed along the entire property line and no structure or building of any type shall be allowed within the setback, however, ponding/drainage and landscape buffer may be included within this setback area; and*
2. *An eight foot high masonry wall shall be constructed abutting any residential use; and*
3. *In addition to what is required by the City Code, a twenty-five foot wide landscape buffer containing evergreen trees of at least three-inch caliper to be placed at fifteen-foot intervals on center immediately adjacent to the required screening wall and along the entire length of the property line abutting any residential use; and*
4. *That the storage of materials, equipment or supplies is prohibited within the first one hundred feet of the setback area; and*
5. *That the following uses be prohibited:*

Commercial, storage, & processing
Explosives (storage)
Liquefied petroleum gas (storage and dispensing)
Motor vehicle wrecking yard

Motor vehicle sale & service operations
Commercial fueling station

Recreation, amusement & entertainment
Shooting range, archery or gun (indoor/outdoor)

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Manufacturing, processing & assembling

Brewery

Processing facility

Recycling collection facility

Tobacco product manufacturing; and

6. That a detailed site development plan shall be reviewed and approved per the El Paso City Code prior to building permits being issued.

PASSED AND APPROVED this _____ day of _____, 2010.

THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lupe Cuellar
Assistant City Attorney

Mathew S. McElroy, Deputy Director
Development Services Department
Planning Division

ORDINANCE NO. _____

Zoning Case No: ZON10-00045

MEMORANDUM

DATE: August 23, 2010

TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager

FROM: Andrew Salloum, Planner

SUBJECT: ZON10-00045

The City Plan Commission (CPC), on July 29, 2010, voted 5-0 to recommend **APPROVAL** of rezoning subject property from R-F (Ranch and Farm) to M-1 (Light Manufacturing).

The CPC found that the rezoning is in conformance with the Plan for El Paso. The CPC also determined that the rezoning protects the best interest, health, safety and welfare of the public in general; that the proposed use is compatible with adjacent land uses; and the rezoning will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There was 1 letter in **OPPOSITION** to this request.

Attachment: Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: ZON10-00045
Application Type: Rezoning
CPC Hearing Date: July 29, 2010
Staff Planner: Andrew Salloum, 915-541-4633, salloumam@elpasotexas.gov

Location: West of Dyer Street and North of Mesquite Flor Drive
Legal Description: Tract 8, Section 16, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas
Acreage: 20.02 acres
Rep District: 4
Existing Use: Vacant
Existing Zoning: R-F (Ranch and Farm)
Request: From R-F (Ranch and Farm) to M-1 (Light Manufacturing)
Proposed Use: Material Storage

Property Owners: Jobe Materials, LP
Applicant: Jobe Materials, LP
Representative: Conde, Inc.

SURROUNDING ZONING AND LAND USE

North: M-1 (Light Manufacturing) / Vacant
South: R-5/c (Residential/condition) / Single-family residential
East: M-1 (Light Manufacturing) / Warehouse
West: R-5 (Residential) / Vacant

THE PLAN FOR EL PASO DESIGNATION: Residential (Northeast Planning Area)

Nearest Park: Proposed Park (4,512 feet)

Nearest School: Desertaire Elementary (14,920 feet)

NEIGHBORHOOD ASSOCIATIONS

North Hills Neighborhood Pride Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on July 13, 2010. The Planning Division received one letter in opposition to the rezoning request.

APPLICATION DESCRIPTION

The property owner is requesting to rezone the subject property from R-F (Ranch and Farm) to M-1 (Light Manufacturing) in order to permit material storage. The applicant is not proposing any structures on the site. Access to the subject property is from Dyer Street.

PLANNING DIVISION RECOMMENDATION

This area is in transition and is compatible with the M-1 (Light Manufacturing) uses to the North and East of the subject property. The Planning Division recommends **APPROVAL** of rezoning the property from R-F (Ranch and Farm) to M-1 (Light Manufacturing) with the following conditions:

1. That a one hundred fifty foot wide setback from abutting residential use property shall be along the

entire property line and no structure or building of any type shall be allowed within the setback, however, ponding/drainage and landscape buffer may be included within this setback area; an eight-foot high masonry wall abutting any residential use; in addition to what is required by the City Code, a twenty-five foot wide landscape buffer containing evergreen trees of at least three-inch caliper to be placed at fifteen-foot intervals on center immediately adjacent to the required screening wall and along the entire length of the property line abutting any residential uses; and

2. That the storage of materials, equipment or supplies is prohibited within the first one hundred feet of the setback area; and
3. That the following Intense uses be prohibited:

Commercial, storage, & processing

Explosives (storage)

Liquefied petroleum gas (storage and dispensing)

Motor vehicle wrecking yard

Motor vehicle sale & service operations

Commercial fueling station

Recreation, amusement & entertainment

Shooting range, archery or gun (indoor/outdoor)

Manufacturing, processing & assembling

Brewery

Processing facility

Recycling collection facility

Tobacco product manufacturing; and

4. That a detailed site development plan shall be reviewed and approved per the El Paso City Code prior to building permits being issued.

The Plan for El Paso-City-Wide Land Use Goals

All applications for rezoning shall demonstrate compliance with the following criteria:

- a. Goal: provide designated locations for industrial development that do not adversely affect the health, safety, and welfare of the community and where essential infrastructure is available to serve the development.

The purpose of M-1 (Light Manufacturing) districts is to provide locations for light-intensity industries involving manufacturing, assembling, distribution, and warehousing. It is intended that the districts will serve the entire city and will permit supporting commercial uses. The regulations of the districts are intended to preserve a light industrial nature particularly with regard to noise, smoke, odors, dust, vibrations and other noxious conditions.

Development Coordinating Committee Review

The DCC reviewed and discussed the application for rezoning and offered no objections to the Planning Staff's recommendation for **APPROVAL** with conditions.

Development Services Department - Building Permits and Inspections Division

Zoning Review: Plan Review has no objections to the rezoning

Landscape Review: no comments received.

Development Service – Land Development Division

- Comments: 6' Rockwall high is required abutting R-5 and R-F zones. (Inside property). *
- Grading plan and permit shall be required.*
- Storm Water Pollution Prevention Plan and/or permit required.*
- Drainage plans must be approved by the Development Services Department, Engineering Section.*
- No water runoff allowed outside the proposed development boundaries, (On-site ponding required)
- The Subdivision is within Flood Zone C – “Areas of minimal flooding, (No shading).” – Panel # 480214 0010B, dated October 15, 1982.

* This requirement will be applied at the time of development.

Engineering Department - Traffic Division

- Property appears to be landlocked.

Street Department:

- We offer no objections to the zoning change with the following conditions be placed on the approval: No access be allowed to the site through the residential collector streets within Mesquite Hills subdivisions
- All existing / proposed paths of travel, accessible sidewalks, wheel chair access curb ramps and driveways within public right-of-ways shall be in compliance with current ADA /TAS rules and regulations and Current City of El Paso Design Standards for Construction.

El Paso Water Utilities

1. EPWU does not object to this request
2. The subject property is located within the City of El Paso Northeast Impact Fee Service Area. Impact fees will be assessed at the time of platting and collected by EPWU prior to the issuance of a Building Permit.

Fire Department

No objections.

CITY PLAN COMMISSION OPTIONS

The City Plan Commission may consider the following options and additional options that it identifies when reviewing the rezoning application

1. Recommend approval of the application finding that the rezoning is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring the rezoning into conformance with the review criteria in The Plan for El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
3. Deny the application finding that the rezoning does not conform to the review criteria in The Plan for El Paso as reflected in CPC report or other criteria identified in the Plan by the CPC.

Attachments:

- Attachment 1: Zoning Map
- Attachment 2: Aerial Map
- Attachment 3: Conceptual Site Plan
- Attachment 4: Opposition Letter

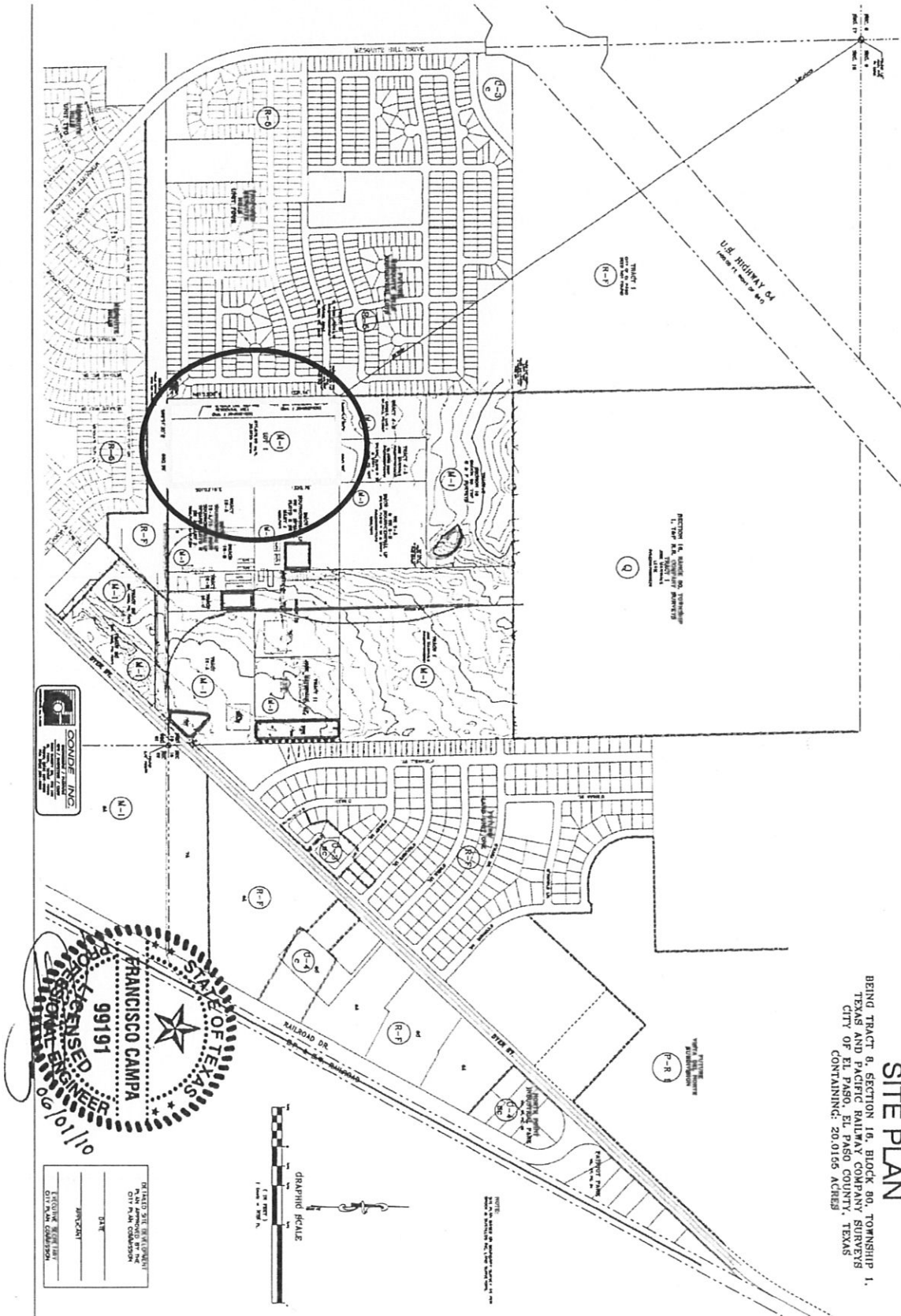
ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP



ATTACHMENT 3: CONCEPTUAL SITE PLAN



ATTACHMENT 4: OPPOSITION LETTER

**Developmental Services Department
Mathew S. McElroy
Deputy Director, Planning
2 Civic Center Plaza 5th Floor
El Paso, Texas 7990-1196**

Re: Case No: ZON10-00045 (Rezoning)

As a property owner I am extremely concerned with the new proposal for rezoning. The term (light manufacturing) also has me concerned. Will this escalate into a hugh not to mention noisy production. Presently, I have a wonderful view of the mountains without any obstruction, as do many of my neighbors. I also believe this proposal would lower property values a great deal. I don't believe that these new homes (if the rezoning went thru), would ever be purchased by families with children. Who wants to purchase property that backs up to a manufacturing company, plus the added noise pollution for our area.

My purchase of this property was made in good faith; with the understanding the area was zoned for ranch and farm only. It will definitely be less desirable property if the zoning is changed and would decrease our property value.

I therefore strongly request that you not approve this rezoning proposal.

Yours Truly,

**Michael Sivertsen
7352 Mesquite Flor Drive
El Paso, Tx 79934**